IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 15421 of 2004

Between:

1. M/s.Surya Teja Industries (P) Ltd., rep by its Managing Director Sri N.Suryaprakash Rao, Plot No.96/C 1st floor, Vengal Rao Nagar, Hyderabad.

2. N.Surya Prakash Rao, Managing Director of M/s.Surya Teja Industries (P) Ltd., Plot No.96/C 1st Floor, Vengal Rao Nagar, Hyderabad.

3. Smt. N.Padmaja W/o N.Suryaprakash Rao, R/o 317/A/a, MLA Colony, Banjara Hills, Hyderabad.

4. V.Tirupathaiah, S/o Venkaiah, R/o 317/A/a MLA Colony, Banjara Hills, Hyderabad.

..... PETITIONERS

AND

1. Debts Recovery Appellate Tribunal, Indian Bank Circle Office building, C.I.C. Road, Opp: to Yethiraj College, Egmore, Chennai.

2. Debts Recovery Tribunal, V Floor Treveni Comples, Abids, Hyderabad.

3. Union Bank of India, Ameerpet Branch, Hyderabad, rep. by its Manager.

4. APSFC Ranga Reddy Branch, 5-8-342, Chirag Ali Lane, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly a writ in the nature of CERTIORARI declaring the order dt. 25/06/2004 passed by the respondent no 1 in MA NO.212/2004 as illegal, arbitrary, unjust and violative of Principles of Natural justice and consequently to raise the attachment order passed in IA.No.79/2001 in OA.No.44/2001 on the file of the respondent NO.2.

Counsel for the Petitioner: MR.G.K.DESHPANDE

Counsel for the Respondent Nos.1 and 2: MR.A.RAJASHEKAR REDDY (SC FOR CG)

Counsel for the Respondent No.3: Mr.Ghanta Rama Rao.

Counsel for the Respondent No.4: Mr.Y.N.Lohita

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Heard the learned counsel for the petitioners and we do not find it to be a fit case for interference in a petition filed under Article 226 of the Constitution of India. Respondent No.3-Bank in order to secure its amount, on coming to know that the

petitioners were trying to alienate the properties, approached the tribunal in a pending case and obtained an order of attachment before judgment. After show cause notice, the order was made absolute on 30th April, 2001. O.A. was under trial when an application was filed on behalf of the petitioners for lifting the order of attachment. The said application was dismissed by a reasoned order on 21st October, 2003. Petitioners availed of their remedy by preferring an appeal before the Debts Recovery Appellate Tribunal. When the appellants' appeal came up for consideration, the lawyer of the appellants was absent and accordingly, the appeal was dismissed by a reasoned order. Challenge before us is to the said orders.

Since there is no jurisdictional error pointed out to us and after all, the order of attachment only prohibits the petitioners from dealing with the properties during the pendency of the O.A., pending before the Tribunal, we see no grounds to interfere with the said order.

Petition dismissed.

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DEVINDER GUPTA, CJ

30-8-2004

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C.V.RAMULU, J

Tvr

To

1. Debts Recovery Appellate Tribunal, Indian Bank Circle Office building, C.I.C. Road, Opp: to Yethiraj College, Egmore, Chennai.
2. Debts Recovery Tribunal, V Floor Treveni Complex, Abids, Hyderabad.
3. The Manager, Union Bank of India, Ameerpet Branch, Hyderabad.
4. APSFC Ranga Reddy Branch, 5-8-342, Chirag Ali Lane, Hyderabad.

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